

United States District Court

NOV 17 2018

SOUTHERN

DISTRICT OF
McALLEN DIVISION

TEXAS

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Andrew Gonzales-Macias Jr. PRINCIPAL

Case Number:

YOB: 1977

M-18-2375-M

United States

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about November 15, 2018 in Starr County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Jose Antonio Hernandez-Morales and Estanislao Alejandro Aguilar-Silva, both citizens and nationals of Mexico, with two (2) other undocumented aliens, for a total of four (4), who had entered the United States in violation of law, did knowingly transport, or move or attempted to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Rio Grande City, Texas to the point of arrest near Rio Grande City, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On November 15, 2018, a Border Patrol camera operator observed several suspected undocumented aliens load up in a Sports Utility Vehicle (SUV) in Rio Grande City, Texas. The neighborhood where this occurred is highly notorious for alien and narcotics smuggling. The camera operator informed agents in the area.

Mobile agents responded and observed a dark in color SUV leaving the area. The agent followed the SUV to a convenience store and conducted a vehicle stop. The driver of the SUV, later identified as Andrew Gonzales-Macias Jr, a United States Citizen, exited his vehicle and approached the agent. The agent asked Gonzales who else was in the truck, to which Gonzales answered his wife and 'there are mojaditos' (undocumented aliens).

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Submitted by reliable electronic means, sworn to and attested to telephonically per Fed. R. Cr. P. 4.1, and probable cause found on:

/s/ Jon M. Chan

Signature of Complainant

Sworn to before me:

Jon M. Chan Senior Patrol Agent

Printed Name of Complainant

November 17, 2018

2:33 p.m

at McAllen, Texas

Date

City and State

Peter E. Ormsby, U. S. Magistrate Judge

Name and Title of Judicial Officer

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-18²³⁷⁵-M

RE: Andrew Gonzales-Macias Jr.

CONTINUATION:

Agents conducted an immigration inspection on the passengers. A total of four subjects were discovered inside the vehicle. An immigration inspection revealed they were all illegally present in the United States.

Gonzales and the four undocumented aliens were transported to the Rio Grande City Border Patrol Station for processing.

Principal

Andrew Gonzales-Macias Jr was read his Miranda Rights. He understood his rights and provided a sworn statement.

Gonzales stated he was driving the black Tahoe that belongs to his ex-wife and went to pick up four illegal aliens. He was going to get paid \$250 (USD) for each person and was given directions on where to pick them up. Gonzales was going to take them to an El Tigre convenience store located just north of the Rio Grande City, Port of Entry. When he picked them up, he saw a Border Patrol unit in the area and knew he was seen. Gonzales stated he drove off a distance and then stopped and instructed the aliens to get out because Border Patrol saw. According to Gonzales, the aliens pleaded - no please and didn't get off, so he drove off again and stopped at a store. Gonzales parked, exited his vehicle, and approached the Border Patrol Agent that pulled up behind him. Gonzales told the Border Agent that he had four illegals in the vehicle.

Material Witnesses

Jose Antonio Hernandez-Morales and Estanislao Alejandro Aguilar-Silva were read their Miranda Rights. They understood and both provided a sworn statement.

Hernandez, a citizen of Mexico, stated he was traveling to Atlanta, Georgia. Hernandez made the smuggling arrangements for \$7,000 (USD) and already paid \$1,000 (USD). He took a bus to the border town of Camargo, Mexico. Hernandez was taken to the Rio Grande River where two rafters ferried him and three other persons across the Rio Grande River into the United States. Afterwards, the two rafters pointed towards the direction they needed to walk and told them a black Tahoe would be there. When they arrived, they saw the black Tahoe and they boarded. After they drove off, the driver saw Border Patrol and told them to duck down.

Aguilar, a citizen of Mexico, stated he took a bus to Reynosa, Tamaulipas, Mexico on November 12, 2018. Upon arrival, a man approached him and asked if he need help crossing into the United States. Augilar made the smuggling arrangements with this person. Augilar was taken to a house where he stayed several days until crossing into the United States. The total cost for the smuggling arrangements came to \$7,000 (USD), \$1,000 (USD) of which he has already paid. Augilar stated he crossed with four other companions and two rafters. After reaching the United States river bank, the rafters told them to run through a trail that would take them to a black car that would be waiting. Augilar and the others got to a road and a minute later a black truck arrived. They thought it was the truck and ran to board it. At first, the vehicle doors were locked and it drove off a short distance. They followed and the second time the doors were unlocked and they all boarded. Before being arrested, the driver only told them to duck down.